

CHAPTER 140
EMERGENCY MEDICAL SERVICES SYSTEM DEVELOPMENT GRANTS FUND

641—140.1(135) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Ambulance service*” means any privately or publicly owned service program which utilizes ambulances in order to provide patient transportation and emergency medical services.

“*Applicant*” means a county EMS association or regional EMS council that has submitted an application for an emergency medical services system development grant.

“*CEHs*” means continuing education hours which are based upon a minimum of 50 minutes of training per hour.

“*Continuing education*” means training approved by the department which is obtained by a certified emergency medical care provider to maintain, improve, or expand relevant skills and knowledge and to satisfy renewal of certification requirements.

“*County EMS association*” means a countywide group of EMS providers and various agency and organization representatives and consumers who provide leadership for the local EMS system on needs and objectives. The county EMS association should also include representatives of services located in a neighboring county if service is provided on a regular basis to residents of the county receiving funding.

“*Department*” means the Iowa department of public health.

“*Director*” means the director of the Iowa department of public health.

“*Emergency medical care personnel*” or “*provider*” means any individual currently certified by the department pursuant to Iowa Code section 147A.6.

“*Emergency medical services*” means an integrated medical care delivery system to provide emergency and nonemergency medical care.

“*EMS*” means emergency medical services.

“*EMS course*” means a course for emergency medical care personnel pursuant to Iowa Code section 147A.4, subsection 2.

“*EMS provider*” means emergency medical care personnel, other health care practitioners or members of the general public involved in the provision of emergency medical care.

“*Fiscal year*” means the 12-month period beginning July 1 and ending June 30.

“*Nontransport service*” means any privately or publicly owned rescue or first response service program which does not provide patient transportation (except when no ambulance is available or in a disaster situation) and utilizes only first response vehicles to provide emergency medical care at the scene of an emergency.

“*Regional EMS council*” means a multicounty nonprofit corporation whose purpose is to facilitate EMS development on a regional basis.

“*Service program*” means any 24-hour emergency medical care ambulance service or nontransport service that has received authorization by the department.

“*Strategic plan*” means a document produced via a multiagency effort to evaluate and define needs and goals to improve the local EMS system.

“*Training*” means EMS-related courses designed and intended for EMS providers.

“*Training aid*” means an item used in EMS training and includes, but is not limited to, slides, films, mannequins, emergency care devices, books and other items pertinent and necessary for training purposes.

641—140.2(135) Purpose. The EMS system development grant is intended to supplement EMS funds at the regional, county or local level to promote EMS system development.

641—140.3(135) County EMS associations. Each county shall have a county EMS association, council or board to develop and maintain the countywide EMS system strategic plan and to provide leadership on related EMS system development funding needs and objectives.

641—140.4(135) County EMS system development grants. Grants for EMS system development purposes at the regional, county, and local level are available from the department for equipment, training, and support of infrastructure needs as identified in the countywide EMS strategic plan. Funds for training will be used to train members of a service program that provides service on a regular basis to residents of the county being funded. Funds for equipment require a \$1 match of regional, county, or local funds for each \$1 of EMS system development grant funds. Infrastructure reimbursement for personnel services or office supplies/equipment, or both, for continuous funding of EMS system development projects may be approved using a yearly adjustment goal of 100 percent for years one and two, 75 percent for year three, 50 percent for year four, 25 percent for year five, and 0 percent thereafter. EMS system development grant funds may be used by an ambulance or nontransport service located in a neighboring county if service is provided on a regular basis to residents of the county receiving funding.

140.4(1) Application process. An application for an EMS system development grant is required. Applications may be requested from the Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

a. The county EMS association or regional EMS council may submit an application to the department for an EMS system development grant.

b. A letter of intent to the department must be received by June 30 for funding year 2003, and by May 1 for each funding year thereafter.

c. A completed application must be received by August 15 for funding year 2003, and by June 1 for each funding year thereafter.

d. The department shall establish a process to review the application and may approve, partially approve or request clarification of an application or request a new application.

e. Notification of grant awards shall be made by September 30 for funding year 2003, and by July 1 for each funding year thereafter.

140.4(2) Eligible costs. Costs which are eligible for EMS system development grant expenditures as defined in the request for proposal (RFP) include items identified in the countywide EMS system development plan that are consistent with the following:

a. Reimbursement for initial training tuition, fees and materials up to an amount that is the lowest fee charged by the training entity following successful completion of an EMS course. Practical and written examination fees may also be included.

b. Payment of continuing education tuition, fees and materials. Education provided by an EMS service program for the general public is an allowable expense.

c. Payment for EMS training aids.

d. Defibrillators.

e. Nondisposable essential ambulance equipment, as defined by prevailing standards and existing medical director-approved protocols.

f. Communications pagers, radios, and base repeaters.

g. Development and enhancement of EMS systems.

h. Office equipment and supplies necessary to coordinate a countywide EMS system.

i. Personnel services for staffing to provide countywide continuous quality improvement and medical direction.

The title to any EMS equipment purchased with these funds shall not lie with the department, but shall be determined by the county EMS association.

140.4(3) *Ineligible costs.* Costs which are not eligible for funding include, but are not limited to, the following:

- a. Certification/recertification fees.
- b. Building and construction costs.
- c. Debt amortization.
- d. Land.
- e. Rent.
- f. Utilities.
- g. Vehicles including, but not limited to, ambulances, fire apparatus, boats, rescue/first response vehicles, snowmobiles and vehicle parts.

641—140.5(135) *Disbursement of funds.* The department shall reimburse an approved EMS system development grant contract at a rate of 100 percent of the approved contract amount for education and 50 percent of the approved contract amount for equipment. Reimbursement for personnel services or office supplies/equipment, or both, for continuous funding of EMS system development projects may be approved using a yearly adjustment goal of 100 percent for years one and two, 75 percent for year three, 50 percent for year four, 25 percent for year five, and 0 percent thereafter. Payment shall be made to the county EMS association or the regional EMS council upon receipt of a paid invoice. Training, equipment, or services purchased prior to department approval are not eligible for reimbursement.

140.5(1) The county EMS association or regional EMS council to which the funds are granted shall be responsible for the administration of these funds.

140.5(2) One-sixth of the funds or an amount and frequency permissible by current state fiscal policy may be disbursed upon award of the contract, and disbursement of the remaining amount shall be provided upon receipt and approval of a final expenditure report by the department.

140.5(3) All funds must be expended prior to June 30. No carryover of funds between fiscal years is permitted.

641—140.6(135) *Application denial or partial denial—appeal.*

140.6(1) Denial or partial denial of an application shall be effected in accordance with the requirements of Iowa Code section 17A.12. Notice to the applicant of denial or partial denial shall be served by restricted certified mail, return receipt requested, or by personal service.

140.6(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial shall become the department's final agency action.

140.6(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

140.6(4) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10, Iowa Administrative Code.

140.6(5) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in subrule 140.6(6).

140.6(6) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

140.6(7) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections and rulings on them.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

140.6(8) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party, and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

140.6(9) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

140.6(10) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

140.6(11) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

These rules are intended to implement Iowa Code section 135.25.

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